



IAP3 Rec'd PTO 06 JAN 2006

10/530151

PATENT

Attorney Docket No. 5051-660

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Burkholder et al.

Application No.: 10/530,151

International filing date: October 17, 2003

For: *Water Soluble Toxin Produced by Pfiesteria*

Confirmation No.: 2957

International Application: PCT/US03/33637

Date: January 6, 2006

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Sir:

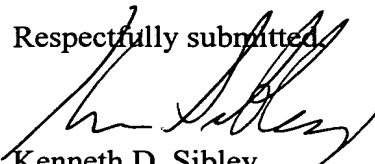
In response to the August 8, 2005 Notification of Missing Requirements under 35 U.S.C. §371 in the United States Designated/Elected Office issued regarding the above-identified patent application, enclosed are:

- 1) an executed Declaration and Power of Attorney document (7 pages);
- 2) a copy of the Notification; and
- 3) a Petition for three month Extension of Time
- 4) a check in the amount \$1,150 (\$130.00 for the surcharge under 37 CFR 1.16(f) and \$1020.00 for three-month extension of time) of as payment of the surcharge.

The amount enclosed is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No 50-0220.

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

Respectfully submitted,

  
Kenneth D. Sibley  
Registration No.: 31,665

RECEIVED  
OIPE/IAP

JAN 11 2006

01/13/2006 ATRAM1 00000145 10530151

01 FC:1617

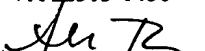
130.00 BP

**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

Express Mail Label No.: EV 769243010 US

Date of Deposit: January 6, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Amelia Tauchen

KDS



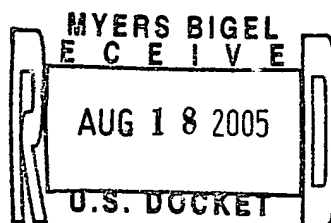
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/530,151	JoAnn Burkholder	5051-660

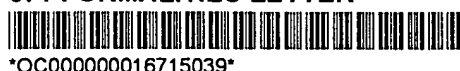
INTERNATIONAL APPLICATION NO.
PCT/US03/33637

20792  
 MYERS BIGEL SIBLEY & SAJOVEC  
 PO BOX 37428  
 RALEIGH, NC 27627



I.A. FILING DATE	PRIORITY DATE
10/17/2003	10/24/2002

CONFIRMATION NO. 2957  
 371 FORMALITIES LETTER



Date Mailed: 08/08/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/01/2005
- Copy of the International Search Report filed on 04/01/2005
- Information Disclosure Statements filed on 04/01/2005
- U.S. Basic National Fees filed on 04/01/2005
- Priority Documents filed on 04/01/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,**

WHICH EVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/530,151	PCT/US03/33637	5051-660

FORM PCT/DO/EO/905 (371 Formalities Notice)